

UNITED STATES OF AMERICA
Before the
COMMODITY FUTURES TRADING COMMISSION

C.I.M. INVESTMENTS INC

v.

HAMMER TRADING INC, LFG LLC,
and STEPHEN GREGORY SCHULER

CFTC Docket No. 98-R034

ORDER PURSUANT TO
DELEGATED AUTHORITY

Respondents Hammer Trading Inc. (“Hammer Trading”) LFG LLC (“LFG”) and Stephen Gregory Schuler (“Schuler”) filed appeals from the June 14, 2000 Initial Decision in this matter. LFG then became the subject of a bankruptcy proceeding. On September 13, 2001, complainant C.I.M. Investments Inc. (“CIM”) stipulated to the dismissal of its complaint against Hammer Trading and Schuler.

In light of the stipulation, CIM’s complaint against Hammer Trading and Schuler is dismissed with prejudice. In light of the Commission’s policy regarding respondents subject to bankruptcy proceedings, CIM’s complaint against LFG and LFG’s counterclaim against CIM are dismissed without prejudice.¹ Respondents’ appeals are dismissed as moot.

IT IS SO ORDERED.²

Edson G. Case
Deputy General Counsel
Commodity Futures Trading Commission

¹ Commission precedent establishes a policy of dismissing any pending reparations proceedings against a respondent subject to a bankruptcy proceeding “[i]n the absence of a showing of undue prejudice.” *Levine v. Stotler & Co.*, [1990-1992 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶ 25,164 at 38,423-24 (CFTC Nov. 6, 1991).

² By the Commission pursuant to delegated authority. 17 C.F.R. § 12.408(a)(1).

Dated: September 28, 2001